

(G) 1577
The ACT of CLASSIS for purging
the IUDICATORIES, and other
places of publick Trust.



T *Edinburgh* the twenty third day of *January* 1649. years. The Estates of Parliament presently convened, in this second Session of the second Triennial Parliament, By vertue of an Act of the Committee or Estates, who had power and authority from the last Parliament for convening the Parliament; Considering, That forsameikle as the late Committee of Estates, did in the induction of the Parliament by their Act of the 27. of *October* last, declare and warn, as after follows, To wit, That whereas the corruption of Iudicatories of this Kingdom and Officers of Estate, and others persons in publick trust, have been the cause and fountain from whence our former evil hath proceeded. And whereas by our Solemn Acknowledgement agreed upon by Church and State. We are bound to God, by our Engagement to *England* we are bound to them, and by the forecited and publick Declaration, we are obliged before the World, to indeavour the purgation and reformation of our Iudicatories and places of publick trust: And forasmuch as the foresaids Persons, and all who are in publick trust are liable to the judgement and censure of Parliament for their procedure in their severall places and Offices: Likeas by the Agreement at *Edinburgh* and *Striveling* all such as have been imployed in publick place and trust, and have been accessory to the late unlawfull Engagement should forbear the exercise of their places in the mean time; and all Questions are referred to the Determination of the Parliament: And whereas by the said Treaty, all these who have been accessory to the said Engagement are challengeable for their said accession, at the least in so far as concerns their places and publick trust, and the debarring of them from any of thele. Therefore the Committee of Estates doth hereby warne and cite all and every one of these who exercised any office, place, or publick trust, or who were Members, or Clerks of any publick Iudicatories, of whatsoever degree, quality, or condition soever, in Burgh or Land within this Kingdom, and hath been accessory to the late Engagement, or are guilty of the faults mentioned in the Printed Acts of the twenty two of *September*, and fourth of *October*. To compeir before the Estates of Parliament at *Edinburgh* the 4. day of *January* next to come in a peaceable way, accompanied
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only with their own domestick Servants, to hear and see the Parliament take such course, as they in their Justice and Wisdom for the good of the Kingdom shall think fit, for purging of the Judicatories, and for declaring their places vacand, and filling them with such as are able and qualified persons, fittest for the service, and may give most contentment, and as have continued constant in the Covenant and Cause in the time of tryall, And for debarring them (who are put out) from any other publick places, or trust, during such time, and in such manner, as the Estates of Parliament shall think fit, With certification to every one of the persons concerned as is abovesaid, and warned by this publick Proclamation, (which the Committee of Estates declares, That they finde it a sufficient intimation in this noture case of so great and publick a back-sliding to all persons concerned therein for the effect foresaid, to be esteemed by them equivalent to a personall citation, or at their dwelling house upon particular summonds against every one of them) to compeir before the Estates of Parliament as is before said and compeir nor, That then the Estates will proceed both to determine the generall question and the particular concerning their places and trust, and take what farther course, they shall think fitting for the good of the Kingdom: And forsaemike, as the Estates of Parliament being now convened have ratified the foresaid Act in all the heads thereof, and by open Proclamation intimate the same. Likeas they have made their solemn Acknowledgement of the publick sins and breaches of the Covenant, and their Solemn Ingagement to all the duties contained therein, namely these which do in a more speciall way relate to the dangers of these times; And in relation thereto have renewed their Solemn League and Covenant before God: And by their Act of the 16. of *January* instant, have disclaimed and condemned the late unlawfull Engagemēt, as contrary to GODS Word, and a manifest breach of Covenant and Treaties, as destructive to the Cause and Covenant, to Religion, the King and these Kingdoms: And is the cause of all the oppressions and miseries that hath followed or may follow thereupon: And therefore, and for many other reasons, Have annulled and repealed all Acts made by the late Parliament and Committee of Estates in prosecution thereof, and have ratified and approved the Protestation in Parliament and opposition made thereof by this Kingdom against the Authors and Abettors thereafter, and the late Treaty made at *Stirling*, debarring all accessory to that unlawful Engagemēt from the exercise of their places or publick trust, untill the meeting & determination of this present Parliament, unto whom all Civill questions are referred: And likewise hath confirmed the assurance given by the Committee unto the Kingdom of *England* that we should not admit any of these authors or abettors of the late Engagemēt to any publick place or trust without the consent of that Kingdom against w^{ch} their Engagemēt was, as is more fully exprest in their Answer of the 6. of *October* last. And whereas the Estates of Parliament, are not only satisfied of the truth, lawfulness and necessity

ty of the foresaid grounds, but also are convinced in their consciences from the Word of God, from the large Treaty between the Kingdoms, and from their Oath of Parliament, from their solemn League and Covenant, especially from the 2. 4. and 5. Articles thereof, and from sad and dear-bought experience, That the Malignant dealing of some, and the profane loose walking of others who have been Members of Judicatories, and imployed in places of power and publick trust hath been a chief cause of all the evils both of sin and punishment under which the Land now groans, And that the Lord requires in his Word, that those who judge and bear charge among his people should not only be able men, but such as fear God, hate covetousness, and deal truly. And that it is of speciall importance for the remedie of all our evils, and for securing and advancing of Religion & Righteousness, for keeping a right understanding between the Kingdoms, and for prosecuting all the ends of the solemn League & Covenant, and for removing the judgement of God and preventing or disappointing all the designs and opposition of enemies of all sorts, and for procuring the blessing of God upon the whole Land, That men not only of known ability, but also of approved integrity and constant affection to the Cause and good and Christian conversation, be intrusted in all Judicatories and places of power and trust, according to the seventh desire of the Commissioners of the Church given in to the last Parliament, as so absolutely necessary for the securing of Religion, which by the Ingagers themselves in the Treaty at *Stirling* is submitted to the Church their determination. Which determination anent the qualifications aforesaid is clearly set down in the 5. 6. 7. 10. and 12. pages of the Acknowledgement and their Declaration emitted to the world.

Therefore the Estates of Parliament remembering well the Laudable precedents of the Parliaments, 1641 and 1646 and severall others for purgation of the Judicatories and places of trust; And considering that all persons both by the common Law, by many Acts of Parliament, and the nature of their place and trust, are completable for their proceedings in their severall places and trust, which they have *ad vitam aut culpam*: And pondering how great a fault it is to have had any hand or accession in the Inacting, or inforcing, or prosecuting so unlawfull an Engagement, thereby drawing on the Land (so far as they could) the wrath of God and all the miseries of a War with our Brethren of *England*, against Covenant, Treaties, and many warnings from the Kirk, and contrary to the Petitions from many Synods, Presbyteries and Shires, and the solemn Protestations of so great a number of each Estate in Parliament: They do in pursuance of their solemn Acknowledgement, performance of their vows to God, Declaration emitted to the World, and assurance given to the Kingdom of *England*, both in the large Treaty, 1641. and late Answer 6. of *October* last, and for satisfying of the Kirks just desires for Purgation and Reformation of our Judicatories, and for determination of this question anent places of trust, referred by the Treaty

Treaty at *Sterling* to their determination, and for deterring all others in this or subsequent generation, who shall be intrusted with publick power or place from drawing on this nation the guiltlesse and misery of inoffensive, unnecessary & unlawful war, and against Covenant and Treaties, and publick warnings from Church Judicatories and Shires, and for encouraging all who shall be in publick place or trust in times of new straits and trialls; To abide constantly by the Cause and Covenant, and to give evident testimonies thereunto against all defection and apostacie. The Estates of Parliament upon this and many other great and weighty considerations moving and pressing them to this necessary dutie, Do therefore Declare Inact and Ordain, that all these Officers of Estate, Members or Clerks of the Parliament, Committees thereof, secret Councell, Session, Exchequer, Justice Courts, Commission for plantation of Kirks, or conservation of the Peace, Sherif Courts, Stewart Courts, Baillie Courts, Commissar Courts, Bailies of Regalitie Courts, Warden Courts, of his Majesties Mint-house, Admirall Court, Gild Court, Town Councell, or any other publick Judicatorie, or Deacons of Crafts, and all who had any office, place, or publick trust, and all having deputation from, or dependance upon any of these aforesaid, who were guilty of any of the faults contained in the four severall Classes after-mentioned, shall be removed and secluded from publick trust according to the severall rules *respective* after following.

The first Classe.

The Estates declare all these to be comprehended in the first Classe, who were generall Officers, which led and accompanied the Army into *England*; And all those Officers that continued in the Engagement, who commanded the Forces at *Mauchlin moore*, or at *Striveling*, and all those who were principally active in perswading, or bringing over of the Forces from *Ireland*, and all these persons who were plotters, chief actors and prime promoters of the late unlawfull Engagement from the beginning to the end thereof, in Parliament, Committees, or otherwayes: And siclike all these who were chief actors and prime promoters of the horrid Rebellion of *James Graham*, and who since have either accepted of charge or joyned as volunteers in the said unlawfull Engagement, or taken the Oath in Committees, or Subscribed the bond for themselves or others for the Engagement, or sate in the Committees or other meetings, and gave order for prosecuting the said Engagement, or who otherwayes gave or received, and execute orders against others for prosecuting the Engagement; As also such Clerks of Parliament, Committees thereof, secret Councell or Session, who were guiltie of any of the Faults contained in any of the Classe at *St. Andrews*, and retaining their former Principles of Malignancie, and have been Active in their places or employments for promoting the late unlawfull Engagement.

The second Classe.

The Estates also Declare all these to be comprehended in the second

second Classe, who not being included in the first Classe, have been formerly Classed or Censured for Malignancie, or guilty of the crimes contained in the first and second Classe at St. Andrews, of the date at St. Andrews the _____ day of _____ one thousand six hundred and _____ years; And since have either accepted of charge or joyned as voluntiers in the said unlawfull Engagement, or taken the Oath in Committees, or subscribed the bond for themselves or others for the Engagement, or sat in Committees or other meetings, and gave order for prosecuting the said Engagement, or who otherwayes gave or received and execute Orders against others for prosecuting the Engagement; And siclike all those persons, although not formerly Classed, and not being included in the first Classe, who were Officers which were upon any of the expeditions into *England* or *Scotland* for the said Engagement; And siclike all these who concurred in Petitions, Protestations, Remonstrances or letters for moving of the Parliament or Committees to carrie on the Engagement; And siclike all these who protest against the cause of the Fast, or the Kirks Declarations, or Petitions of the Presbyteries or Kirk sessions against the Engagement, or read, or caused read at Kirk doors the Committees Observations against the Assemblies Declaration, or interrupted Divine Service, or Magistrates and persons of qualitie, or who removed at the reading of the Assemblies Declaration; Siclike all these who not onely took the Oath injoynd by the last Parliament for the Engagement in Committees, or subscribed the band, or Declared themselves ready to do the same, but also secluded others, or protest against others for their not taking of the Oath, or not subscribing of the Band; Siclike all these who injoynd and pressed others to subscribe the Band, or take the Oath for carrying on the Engagement; And siclike all these who concurred as Members or Clerks in Acts of Parliament and Committee of Estates for prosecuting the said Engagement, or for pressing others thereunto, and such who consulted and gave advice for penning or prosecuting of the proceſs against the honest Ministers who were at *Mauchlin moore*, or any others for their opposing or not joyning in the Engagement.

The third Classe.

The Estates likewise Declares all these to be comprehended in the the third Classe (who not being included in the first or second Class) sat in Parliament and Committee of Estates, and took the Oaths foresaid for the Engagement, or sat as Clerks in any of these or any other Judicatories, and gave no publick testimonie against the said Engagement, carried on therein by their service, or were any way known to have been for the same in their judgement manifested by their expressions and actions; Siclike all these persons who have taken the Oath foresaid, or subscribed the Band for the Engagement, or who in Committees of war or other meetings, Town Counsel or other Courts, have refused or opposed the desires of any Petitions from Shires, Presbyteries, Sessions or other Kirk Judicatories

against the Engagement, or concurred in Acts to force the Dissenters, Petitioners or others to concur in the first or second levies, or other accession to the said Engagement; or with the Forces under the Earl of *Crauford*, Earl of *Lanerick* and *George Monro*; And likewise all such who were either forgers, argers or seducers of others to concur in the said Engagement, or with the foresaid forces: And likewise all these who accept Commissions to be Officers, or joyned as volunteers to the forces under the Duke of *Hamilton* or the Earls of *Crauford*, *Lanerick* or *George Monro*, Likewise all persons who in their speeches and actions did evidence their judgements for, and affection to that small court, or who (in such a time of trial) after such Petitions from the *Shires*, and such Declarations and warnings from the Church, evidencing to all the unlawfulness of the Engagement against Covenant and Treaty) did not give any countenance to the cause or testimony of their judgement and affection against such a defection and dangerous War, when, and where they had the opportunity to do it with others.

The fourth Classe.

The Estates of Parliament in like manner Declares all these to be comprehended in the fourth Classe, who being Members of Judicatories, Clerks and persons in publick trust as aforesaid, are given to uncleanness, bribery, swearing, drunkennesse, or deceiving, or are otherways openly profane, and grossly scandalous in their conversation, or who neglect the Worship of God in their families.

The Estates Declares, Enacts and Ordains, That all such Officers of Estate, Members of any Judicatory, Clerks and others before mentioned, and all persons in publick place or trust, who are guilty of any of the faults before specified, contained in any of the four Clases before set down, be presently removed by this Parliament, or such Committees or persons as shall be by them authorized with power to that effect) from their present places and Offices, and all other publick trust mentioned in the Act of Classe at *St. Andrews* or which has deputation from, or dependance, upon the forenamed Judicatories or Officers (without prejudice of the subscription of them, in the mean time for the exercise of their places, conform to the Treaty and former Acts of Committee ratified in Parliament) And that these places belonging to them, *ad vitam vel culpam* be declared vacant, and filled with other persons, who are known to be free of these faults, and not onely to have sufficient ability, but also who have given real proof of their constant affection to the Cause, and a good conversation; and that these who hereupon shall be removed from their places and offices, are hereby discharged from meddling thereafter in any exercise, badge or benefit thereof, under the pain of confiscation of their movables, life rent of their estates, imprisonment of their persons, and of being declared for ever incapable of the meanest publick trust within the Kingdom, Likewise the Estates of Parliament, upon the manifold grounds aforesaid, doth Declare, Enact, and Ordain, That none of these persons who are guilty of any of the crimes

crimes contained in the first Classe, shall ever be capable of, or admitted to any publick office, place or trust aforementioned within this Kingdom during all the dayes of their lifetimes, Likeas they Declare, Enact and Ordain, That none of these who are guiltie of any of the crimes mentioned in the second Classe, shall be capable, of or admitted to any publick office, place or trust aforementioned within this Kingdom for ten years to come. And farther, untill they have given sufficient evidence of their change of their Malignant principles and practices, and of their firm resolution and affection to promote the Ends of the Covenant in all times of subsequent triall (whereof the Judicatories of the Church and State *respective* having power for that effect are to judge impartially, as in G O D S sight) And thereby have given satisfaction to the Kirk and to both Kingdoms so far wrought by them, according to the assurance given on the sixt of October last.

Likeas the Estates Declare, Enacts and Ordains, That no person who is guilty of any of the faults contained in the third Classe (excepting these as are after excepted) shall be capable of, or admitted to any publick place, office or trust aforementioned within this Kingdom during five years to come, and farther, untill they have given sufficient evidence of their change of their Malignant principles and practices, and of their firm resolution and affection to promote the Ends of the Covenant in all times of subsequent triall (whereof the Judicatories of Church and State *respective* having power for that effect, are to judge impartially as in the sight of G O D) And thereby have given satisfaction to the Kirk and both Kingdoms so far wronged by them according to the assurance given on the sixth of October last.

Excepting these who before the time of the promoting of the Engagement were known to have been honest in the Cause of God, and not Malignant; and who were known by their carriage to have been against the Engagement in their judgement, and did concur in Petitioning, dissenting, protesting, or rising in Armes or other wayes did bear testimony against it, as they had opportunity, and who not knowing the nature and drift of the Band or Oath for the Engagement, were deceived and ensnared to the subscribing or taking of the same, which persons having the foresaid qualifications, and giving satisfaction to the Kirk, are remitted to the next Session of the Parliament, at which time according to their Repentance and carriage, they may be declared capable of publick places and trust (so far as the Parliament shall think them fit.)

Likeas the Estates Declares, Enacts and Ordains, That no person guilty of any of the faults contained in the fourth Classe, shall be capable of, or admitted to any publick place or trust aforementioned within this Kingdom for a yeer to come; And farther, untill they have given to the Judicatories of Church and State, *respective*, sufficient evidence of their change of their profane and scandalous life, and

and of their firm resolution and constant endeavour for a good and Christian conversation (whereof the Indicators of the Church and State shall judge impartially as in Gods sight) And that without derogation to the former Laws made against the same.

Likewise hereby declared, That where any persons were excluded by the former Classe from the exercise of their Heretick Offices, That during the time of their seclusion, these places shall be supplied by such Deputes, as the Parliament, Committee of Estates, or others Authorized by Parliament shall appoint to serve therein for the interim.

It is always hereby declared, That this present Act shall not be extended to these Minors who being guilty of any of the faults aforesaid, shall within three moneths after the publication hereof, if they be within the Kingdom, and if they be without the Kingdom, within the same space after their return to the Countrey, Give sufficient evidence to the Indicators of Church and State *respective*, having power for that effect of their Repentance, and of the change of their Malignant principles and practices, and of their firm resolution and endeavour to promote the Ends of the Covenant in all times of subsequent tryalls, and shall behave themselves accordingly unto their majority, and who within six moneths after their their majority shall ratifie the same.

It is Declared, That this Act is without prejudice, to what farther censure the Estates shall think fit to inflict upon these who are guilty of the faults aforesaid, and hath not by their due acceptance the benefit of the Treaty at *Edinburgh and Sirling*.

The saids Estates Declares, That they reserve to themselves, the consideration of such persons as may fall under the exception of the third Classe, and what shall be done concerning them in the Committees of War of the severall Shires when the Committees shall be nominate: And the saids Estates Ordains the Act aforesaid to be Published at the Mercat Crosse of *Edinburgh* by an Herald, having displayed Armes by sound of Trumpet, And thereafter Ordains the same to be Printed.

William Scot, Cler. Parl.